

### Remarks

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-20 are pending in the application. Claims 1-20 are rejected. No claims have been allowed. Claims 1, 3, 5, 8, 11, 14, 17, and 19 are independent. Claims 1, 3, 5, 8, 11, 14, 17, and 19 have been amended. Claims 4 and 15 have been canceled.

#### *Claim Rejections under 35 U.S.C. § 102*

The Action rejects claims 1-20 under 35 USC 102(e) as being anticipated by U.S. Patent Publication No. 2002/0156875 to Pabla (hereinafter "Pabla"). Applicants traverse the rejections and respectfully submit the claims are allowable over the cited art. Accordingly, Applicants request that all rejections be withdrawn.

The claims generally are directed to the ability for a device to send a query seeking to discover any devices that provide a particular desired service flexibly whether on an ad hoc or discovery server networking environment. For example, the present Application states:

For improved network scalability, the discovery client discovers and uses a discovery server if present, and otherwise resorts to multicast-based discovery. **The discovery device simply responds to all matching discovery requests, whether from a discovery client or from a discovery server. This eliminates having the device switch modes from multicast-based to server-based discovery . . . .**  
(Application, 2:5-12. Emphasis added.)

The independent claims each recite language relating to this configuration of the discovery responder. For example, claim 1 recites, "continuing by the discovery responders to respond to multicast discovery of the services of the discovery responders regardless of the presence or absence of the discovery server in the network environment."

Independent claim 3 recites, "wherein discovery responders continue to respond to multicast discovery queries for device services matching the respective discovery responders from the discovery client irrespective of the discovery server being present on the network."

Independent claim 5 recites, "wherein the discovery responders are configured to respond to the multicast transmissions of the discovery queries of the discovery client for device services regardless of the discovery server being present in the network."

Independent claim 8 recites, "wherein the discovery responders are configured to respond to the multicast transmission of the discovery queries of the discovery client for device services regardless of the discovery server being present in the network."

Independent claim 11 recites, "the discovery responder operating regardless of presence or absence of a discovery server in the network to respond to multicast transmissions of discovery queries for device services matching the device services of the discovery responder."

Independent claim 14 recites, "responding to discovery queries for the device services received as multicast transmissions by a computing device that match device services of the computing device regardless of whether connected in the ad-hoc or server-managed network."

Independent claim 17 recites, "responding to discovery queries for the device services received as multicast transmissions by a discovery responder that match device services of the computing device regardless of whether connected in the ad-hoc or server-managed network."

Independent claim 19 recites, "wherein the discovery responders continue to respond to multicast transmission regardless of whether the discovery responders are in ad-hoc or server-managed networks of computing devices."

Pabla fails to teach or suggest the above recited language of each of the independent claims. The Examiner alleges, for example with respect to claim 1, that Pabla describes:

continuing by the discovery responders to respond to multicast discovery regardless of the presence or absence of the discovery server in the network environment (Page 4 [0053] and Page 5 [0057]: as peers default to multicast discovery to find other peers, groups, services and content, peers aware of name servers still need to be able to respond to peers not aware of name servers. (Office Action, page 4.)

Applicants respectfully disagree. Pabla describes, for example:

Alternatively, when a peer 200 boots up for the first time, the peer 200 may not be preconfigured to be aware of any peer group name server 300. **In this case, the peer may default to use multicast discovery to discover peers 200 and/or peer groups 304. If a peer group name server 300 in its region 302 happens to reply to the multicast query, the peer 200 may cache in the information about the peer group name server 300, may register with the peer group name server 300, and may use the peer group name server 300 for future discoveries.**

(Pabla, para. 0053.)

Pabla alternatively describes in a different embodiment:

In one embodiment, if the peer 200 does not get a response from any peer group name server 300 that it is aware of, the peer 200 may default to multicast to discover peers 200, peer groups 304 and potentially other peer group name servers 300 that it is not currently aware of.  
(Pabla, para. 0057.)

As Applicants understand Pabla, Pabla thus describes peer group name servers which a peer registers its services with. If and only if a peer group name server is unavailable, or a peer is unable to contact a server which it is aware of, does a peer resort to multicast. Thus, Applicants understand Pabla to describe a situation where all discovery of peers and peer servers is handled through a name server **if the server is present**. At no point do Applicants see that Pabla teaches, suggests, or even mentions that "discovery responders **continue to respond to multicast transmission** regardless of whether the discovery responders are in ad-hoc or server-managed networks of computing devices" as recited for example in independent claim 19 and similarly throughout the other independent claims.

Because each and every element of independent claims 1, 3, 5, 8, 11, 14, 17, and 19 is not taught or suggested by Pabla, the independent claims are allowable. Additionally, dependent claims 2, 6, 7, 9, 10, 12, 13, 16, 18, and 20 are allowable at least because they depend from one of the allowable independent claims. Applicants respectfully request withdrawal of the § 102 rejections and allowance of claims 1-3, 5-14, and 16-20.

### *Conclusion*

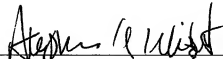
The claims in their present form should be allowable. Such action is respectfully requested. If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By



Stephen A. Wight  
Registration No. 37,759